



## Staff Report

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To: Planning Commission  
From: Planning Staff  
Report: September 28, 2018  
Meeting: October 2, 2018  
Item: Request for minor modification to PUD05-04: Spring Creek

### General Information

<b>Applicant:</b>	Larry Toppenberg
<b>Requested Action:</b>	Request to eliminate the 25' subdivision boundary setback on 3 lots
<b>Purpose:</b>	Eliminate setback to increase the buildable area of the 3 lots
<b>Location:</b>	Spring Creek Subdivision, Block 2, Lot 3, Block 1, Lots 1 and 6
<b>Parcel Size:</b>	20,054 square feet total (.46 acre)
<b>Existing Zoning &amp; Context Area:</b>	Zone: Residential Single Family (RS) Context Area: 2
<b>Surrounding Land Use and Zoning:</b>	<u>North:</u> Single family homes, Residential Single Family (RS) <u>South:</u> Single family homes, Residential Single Family (RS) <u>East:</u> Single family homes, Residential Single Family (RS) <u>West:</u> Airport, Industrial General (IG)
<b>Included in Staff Report:</b>	<ol style="list-style-type: none"><li>1. Staff Overview</li><li>2. Relevant Portions of the Comprehensive Plan</li><li>3. Relevant Portions of Sandpoint City Code</li><li>4. Motion for Proposed Decision Alternative #1</li><li>5. Motion for Proposed Decision Alternative #2</li></ol>
<b>Attached:</b>	<ol style="list-style-type: none"><li>1. Application</li><li>2. Preliminary Plat</li><li>3. Approval of Spring Creek PUD</li><li>4. Spring Creek Final Plat</li></ol>

## Staff Overview

On December 21, 2005, the Sandpoint City Council approved the Spring Creek Planned Unit Development (PUD). This PUD was approved with the following setbacks:

- Front yard setbacks:
  - House: 10'
  - Porch: 10'
  - Garage: 20'
- Side yard setbacks:
  - 5'
- Rear yard setbacks:
  - 15'
- Special setbacks:
  - 25' from the outer boundaries of the project

At issue is the 25' setback from the outer boundaries of the project. As most of the lots within this subdivision have been built out this setback has not posed a problem, however, 3 lots in question (see Figure 1 and attached Spring Creek Final Plat), Block 2, Lot 3, and Block 1, Lots 1 and 6 are all relatively small and the 25' setback represents a significant portion of the lot area. The applicant is thus requesting the elimination of the 25' outer boundary setback on these three lots only. In addition to the 25' outer boundary setback requirement, there exists a 25' fence easement and 25' utility easement. The applicant is seeking to reduce these 25' easements to 10' on these lots but are being handled administratively through a platting process and do not require any action by the Planning Commission. Assuming that the easements are reduced, the new building setback would be 10' along Boyer Avenue and would represent a total increase of approximately 5,000 square feet of buildable area on these lots.

Alternatively, staff recommends that the Commission eliminate the entire length of the 25' setback along Boyer Avenue to better facilitate future development within the subdivision. Furthermore, doing so would mean future applicants seeking easement reduction could be handled administratively. Staff has prepared an alternative motion for this recommendation.

Sandpoint City Code §10-3-10-M states, *"An extension of the time limit, revision of phasing schedule, or modification of the final development plan may be approved if the commission finds that such extension, revision, or modification is not in conflict with the public interest."*

The Commission is only to decide if the request is in conflict with public interest. If the Commission agrees the request or recommendation is not in conflict with the public interest, the process will be handled administratively by staff.

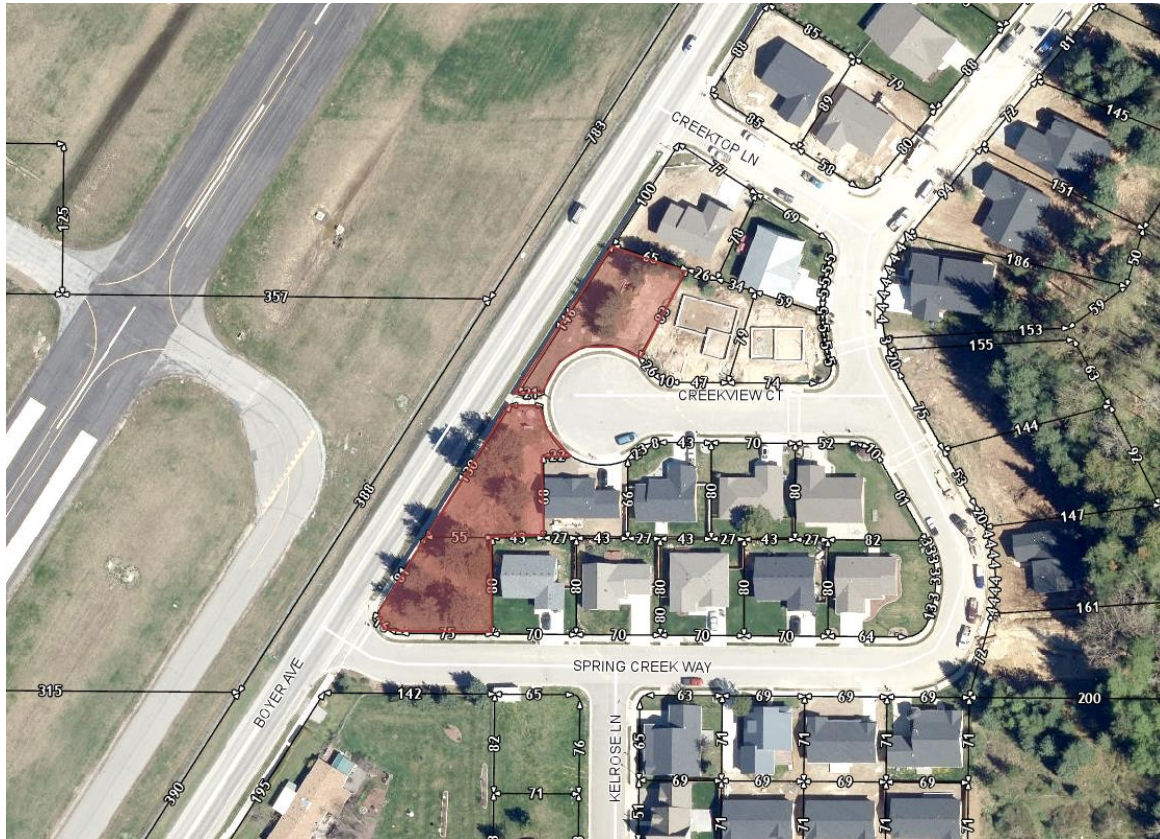


Figure 1: Spring Creek PUD, Block 2, Lot 3, and Block 1, Lots 1 and 6

### Relevant Portions of the Comprehensive Plan

- Goal H-3-D: Encourage a variety of housing sizes within a block.
- Goal T-5-A: Ensure surrounding land uses are compatible with continued aircraft operations.
- Goal NR/H-1-F: Concentrate growth within city limits.
- Goal NR/H-1.H: Protect scenic resources – water and mountain views – by identifying and preserving viewsheds.

### Relevant Portion of Sandpoint City Code

City Code §10-3-10-M: “Expiration And Extension Of Approval Period: Preliminary approval shall be for a period not to exceed eighteen (18) months. The approval of a final development plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plan and the development of the project. If no construction has begun within two (2) years after approval is granted and no current building permit exists, the approved final development plan shall be void. An extension of the time limit, revision of phasing schedule, or **modification of the final development plan may be approved if the commission finds that such extension, revision, or modification is not in conflict with the public interest.**”

## **Motion for Decision – Alternative #1, Elimination of 25' Setback on 3 lots only**

### ***If Approving:***

"I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **AGREE** the request by Larry Toppenberg for a modification to the Spring Creek Planned Unit Development to eliminate the boundary setback of 25' on Block 2, Lot 3, and Block 1, Lots 1 and 6 is a minor modification to the Planned Unit Development approved on December 21, 2005.

The reasons for approving this request are:

1. The request is not in conflict with the public interest.
2. The requested modification is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan."

### ***If Denying:***

"I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **DISAGREE** the request by Larry Toppenberg for a modification to the Spring Creek Planned Unit Development to allow for a decrease in the outer boundary setback of 25' to 10' on Block 2, Lot 3, and Block 1, Lots 1 and 6 is a minor modification to the Planned Unit Development approved on December 21, 2005.

Based on evidence, records, and testimony, the reasons for denying this request are:

1. The Commission agrees the request is in conflict with the public interest.
3. The requested modification is not consistent with the overall planning goals and objectives outlined in the Comprehensive Plan."

## **Motion for Decision – Alternative #2, Elimination of 25’ Setback along Entire Length of Boyer Avenue**

### ***If Approving:***

“I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **AGREE** with Staff’s recommendation to eliminate the boundary setback of 25’ along the entire Western boundary of the Spring Creek Subdivision is a minor modification to the Planned Unit Development approved on December 21, 2005.

The reasons for approving this request are:

1. The request is not in conflict with the public interest.
2. The requested modification is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.”

### ***If Denying:***

“I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **DISAGREE** with Staff’s recommendation to eliminate the boundary setback of 25’ along the entire Western boundary of the Spring Creek Subdivision is a minor modification to the Planned Unit Development approved on December 21, 2005.

Based on evidence, records, and testimony, the reasons for denying this request are:

1. The Commission agrees the request is in conflict with the public interest.
2. The requested modification is not consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.”